

FISHER & PHILLIPS LLP
 300 South Fourth Street, Suite 1500
 Las Vegas, Nevada 89101

FISHER & PHILLIPS LLP
 SCOTT M. MAHONEY, ESQ.
 Nevada Bar No. 1099
 DAVID B. DORNAK, ESQ.
 Nevada Bar No. 6274
 300 South Fourth Street
 Suite 1500
 Las Vegas, NV 89101
 Telephone: (702) 252-3131
 Facsimile: (702) 252-7411
 E-Mail Address: ddornak@laborlawyers.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIKO YUTANI,)	CASE NO. 2:16-cv-00185-GMN-GWF
)	
Plaintiff,)	
)	
vs.)	MOTION FOR WAIVER OF
)	ATTENDANCE AT ENE SESSION
CASINO JOB CENTER, INC.; JACE)	OF REPRESENTATIVE FROM
MANDE an individual; EMPLOYEE(S)/)	INSURER
AGENT(S) DOES 1-10; and ROE)	
CORPORATIONS 11-20, inclusive;)	
)	
Defendants.)	
)	

COMES NOW, Defendants Casino Job Center, Inc. and Jace Mande (collectively the “Defendants”), by and through their undersigned counsel, Fisher & Phillips, LLP, and hereby move pursuant to the Order Scheduling Early Neural Evaluation (“ENE”) Session (Dkt. #9) for an Order excusing Defendants’ insurance carrier representative from personally attending the ENE Session scheduled for May 6, 2016.

Mr. Mande will be attending the ENE Session scheduled for May 6, 2016. He has full settlement authority for all Defendants. Nevertheless, Defendants have a policy of insurance through Zurich, which has accepted defense of this claim subject to certain reservations. The claims adjuster assigned to this matter resides in New Jersey.

FISHER & PHILLIPS LLP
 300 South Fourth Street, Suite 1500
 Las Vegas, Nevada 89101

Requiring the claims adjuster's attendance at the ENE Session would result in at least a full day of travel and associated expenses for airfare, hotel, ground transportation, and meals. This would impose an unnecessary layer of cost in this litigation, which is unwarranted by the nature of the claims at issue—sexual harassment and discrimination and emotional distress allegedly arising from such harassment and discrimination. Such funds would also be better used towards a potential resolution of the case.

In lieu of physically attending the ENE Session, the claims adjuster will be available throughout the hearing by telephone. She will also fully participate in good faith and as necessary with full authority for settlement up to and including the amount of Plaintiff's claim.

Accordingly, Defendants request that the physical attendance at the ENE Session of a representative from Zurich be excused.

DATED this 22nd day of April, 2016.

FISHER & PHILLIPS LLP

/s/ David B. Dornak, Esq.
 DAVID B. DORNAK, ESQ.
 300 South Fourth Street
 Suite 1500
 Las Vegas, Nevada 89101
 Attorneys for Defendant

ORDER

Before the Court is Defendants' Motion for Waiver of Attendance (doc. # 17), filed April 25, 2016. Upon review, the Court deems it appropriate to have the insurance carrier attend the ENE in-person. Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Waiver of Attendance (doc. # 17) is **denied**.

DATED: April 25, 2016


 United States Magistrate Judge

CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that on the 22nd of April 2016, the undersigned, an employee of Fisher & Phillips LLP, electronically filed the foregoing **MOTION FOR WAIVER OF ATTENDANCE AT ENE SESSION OF REPRESENTATIVE FROM INSURER** with the U.S. District Court, and a copy was electronically transmitted from the court to the e-mail address on file for:

Jeffrey Gronich, Esq.

By: /s/ Lorraine James-Newman
An employee of Fisher & Phillips LLP

FISHER & PHILLIPS LLP
300 South Fourth Street, Suite 1500
Las Vegas, Nevada 89101